

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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EUSTACE ARRINDELL, *Individually and as
Administrator of the Estate of Marguerite
Arrindell, deceased,*

Plaintiff,

v.

TIMOTHY B. HOWARD, ERIE COUNTY SHERIFF'S
DEPARTMENT, COUNTY OF ERIE, LESLEY PYJAS,
ANDREW CASE, and RONALD MOSCATI,

DECISION AND ORDER
09-CV-165S

Defendants.

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This is a personal injury and wrongful death action arising from the death of Marguerite Arrindell. Before this Court is Plaintiff's Motion to Approve Settlement. (Docket No. 120.) Because this action is brought on behalf of an estate, it cannot be settled without leave of this Court. See Local Rule 41(a)(2)(A).

This Court has considered Plaintiff's motion and the material terms of the settlement. Based on that review, this Court finds that the proposed settlement between Plaintiff and the County Defendants (all Defendants except Ronald Moscati, M.D.) is in the best interests of the estate and distributees. In so finding, this Court has considered (1) the circumstances giving rise to the claim, (2) the nature and extent of the damages, (3) the terms of the settlement and amount of attorneys' fees and other disbursements, (4) the circumstances of any other claims or settlements arising out of this same occurrence, and (5) the plaintiff's statement of why he believes this settlement is in the best interest of the estate and the distributees. See Local Rule 41(a)(2)(i)-(iv). Plaintiff's motion will therefore be granted and this settlement approved.

IT HEREBY IS ORDERED, that Plaintiff's Motion to Approve Settlement (Docket No. 120) is GRANTED.

FURTHER, that the settlement between Plaintiff and the County Defendants (all Defendants except Ronald Moscati, M.D.) is APPROVED.

FURTHER, that the attorney's fees and disbursements are APPROVED.

FURTHER, that the remainder of net proceeds must be paid and distributed to Eustace Arrindell, as administrator of the estate of Marguerite Arrindell.

FURTHER, that Defendants shall issue a check payable to "Vinal & Vinal, P.C and Eustace Arrindell, as administrator of the estate of Marguerite Arrindell" for the total settlement amount.

FURTHER, that the Clerk of Court is directed to terminate Timothy B. Howard, Erie County Sheriff's Department, County of Erie, Lesley Pyjas, and Andrew Case, as defendants in this action.

FURTHER, that the Clerk of Court is directed to terminate the pending motions filed at Docket Nos. 65, 68, and 79.

SO ORDERED.

DATED: February 7, 2013
Buffalo, NY

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court